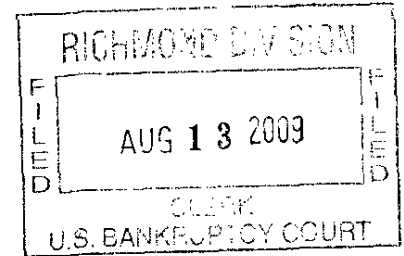


UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION



DEVELOPERS DIVERSIFIED REALTY  
CORPORATION, et al.,

Appellants,

v.

CIRCUIT CITY STORES, INC., et al.,  
Debtors-in-Possession

Appellees.

No. 3:09-CV-123-HEH

BRIGHTON COMMERCIAL, L.L.C., et al.,

Appellants,

v.

CIRCUIT CITY STORES, INC., et al.,  
Debtors-in-Possession

Appellees.

No. 3:09-CV-286-HEH

A TRUE COPY, TESTE:  
CLERK, U.S. DISTRICT COURT

BY C McCracken  
DEPUTY CLERK

**AGREED ORDER GRANTING MOTION TO  
DISMISS BANKRUPTCY APPEAL AS MOOT**

WHEREAS on June 29, 2009, Circuit City Stores, Inc. and its affiliated appellees (the "Appellees") filed their Motion to Dismiss Bankruptcy Appeal as Moot (the "Motion")<sup>1</sup>; and

WHEREAS, the Appellees and appellants in the bankruptcy appeal styled Port Arthur Holdings III, LTD v. Circuit City Stores, Inc., Case No. 09-232 (the "Port Arthur Appeal"), the appellants in the bankruptcy appeal styled 502-12 86th Street LLC, et al. v. Circuit City Stores, Inc., et al., Case No. 09-190 (the "502-12 Appeal"), and appellants (collectively, the

<sup>1</sup> Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

"Appellants") in the above-captioned consolidated bankruptcy appeal (the "Appeal") hereby agree to the relief sought in the Motion.

1. The Appeal is dismissed as moot.

2. This Order shall be dispositive, to the extent applicable, to the issues raised in the Port Arthur Appeal and the 502-12 Appeal pursuant to the Agreed Order Granting Motion to Consolidate Appeals, Establish Briefing Schedule, and Stay Appeals entered in the Appeal on May 11, 2009.

Entered: Aug. 10, 2009

Signed:  /s/

United States District Court for  
The Eastern District of Virginia,  
Richmond Division

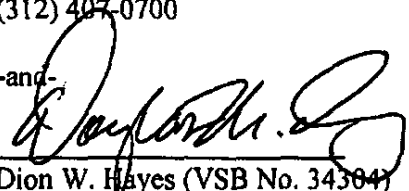
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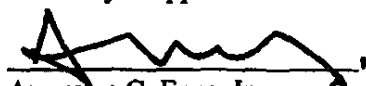
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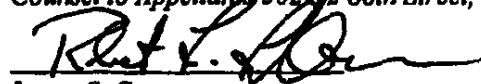
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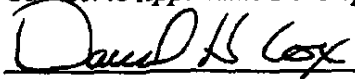
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

DEVELOPERS DIVERSIFIED REALTY  
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Appellees.

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Appellees.

No. 3:09-CV-286-HEH

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Entered: Aug. 10, 2009

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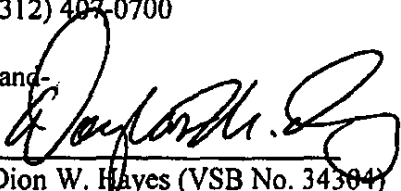
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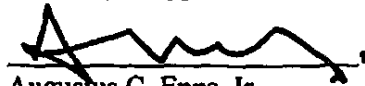
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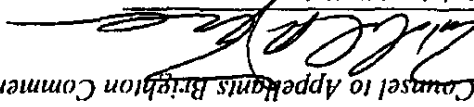
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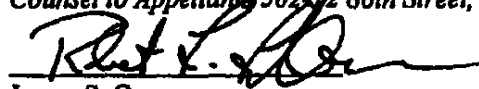
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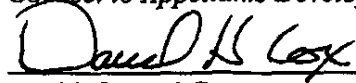
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Imaged Certificate of Service Page 15 of 15  
**CERTIFICATE OF NOTICE**

District/off: 0422-7  
Case: 08-35653

User: frenchs  
Form ID: pdforder

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Aug 14, 2009

The following entities were noticed by first class mail on Aug 16, 2009.

aty +Gregg M. Galardi, Skadden Arps Slate Meagher, & Flom LLP, One Rodney Sq., PO Box 636,  
Wilmington, DE 19899-0636

The following entities were noticed by electronic transmission.

NONE.

TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Aug 16, 2009

Signature:

